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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

07/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/865,180	Applicant(s) THEODORUS VAN ESBROECK ET AL.	
	Examiner Laura Edwards	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-34, 61-65, 67, 69, 70, 72, 73 and 75-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-34, 61-65, 67, 69, 70, 72, 73 and 75-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30, 61, 67, 69, 70, 73, 75, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), Ludwig (US 5,449,524) and Snowden (US 3,631,563) for reasons set forth in the previous office action.

Claims 31-33 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Muschany (US 4,627,007) for reasons set forth in the previous office action.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Evans et al (US 6,010,726) for reasons set forth in the previous office action.

Claims 63 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Vincent et al (GB 2,177,585) for reasons set forth in the previous office action.

Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Newman (US 5,668,634) or Gorl (US 4,413,279) for reasons set forth in the previous office action.

Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671) and Ludwig (US 5,449,524) for reasons set forth in the previous office action.

Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), and Ludwig (US 5,449,524) as applied to claim 77 above, and further in view of Vincent et al (GB 2,177,585) for reasons set forth in the previous office action.

Claims 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Evans et al (US 6,010,726) for reasons set forth in the previous office action.

Response to Arguments

All of Applicant's arguments filed 3/17/08 are acknowledged and have been fully considered but they are not persuasive.

Applicants collectively contend that none of the cited applied prior art references whether taken alone or in combination, teach or suggest a device for applying multiple coatings of different marinades in uniform overlapping layers as instantly claimed such that the 103 rejections should be withdrawn.

In response, Applicants should be aware that a prima facie case of obviousness has been established and the proper motivation has been supplied for each of the rejections as required by *Graham v. Deere*. All arguments are deemed unconvincing with respect to the obviousness rejections because Applicant has combined known and conventional structure to apply multiple coatings of different marinades to meat and such is deemed to be within the purview of one skilled in the art. Thus all 103 rejections remain.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/
Primary Examiner
Art Unit 1792

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June 23, 2008